

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ASSOCIATION OF AMERICAN
UNIVERSITIES, et al.,

Plaintiffs,

v.

DEPARTMENT OF ENERGY, et al.,

Defendants.

Case No. 25-cv-10912-ADB

STATUS REPORT

Pursuant to this Court’s Order Granting Plaintiffs’ Motion For A Temporary Restraining Order (Doc. 34) (the “Order”), Defendants respectfully submit the following status report:

1. In its first status report required by the Order, Defendants stated that they issued a notice and provided a copy of the Order on SAM.gov, the U.S. government’s official system for communicating with contractors and grantees. Doc. 46. Defendants stated further that the Department of Energy (“DOE”) Office of Management instructed its Heads of Contracting Officers to direct all DOE Grant Officials and Contracting Officers who administer active DOE grants involving Institutions of Higher Education (“IHE”) to provide written notice of the Order via email to each individual IHE grantee in their jurisdiction. Doc. 46.

2. Defendants confirm that, consistent with the Order, they have instructed all components responsible for disbursement (1) not to implement or enforce the indirect cost rate described in the DOE Policy Flash: Adjusting Department of Energy Grant Policy for Institutions

of Higher Education, and thus (2) to continue the regular disbursement and obligation of federal financial assistance funds for so long as the terms of the TRO remain in effect.

Respectfully submitted:

LEAH B. FOLEY
United States Attorney

BRIAN C. LEA
Deputy Associate Attorney General

By: /s/ Nicole M. O'Connor
Nicole M. O'Connor (BBO#675535)
Assistant United States Attorney
United States Attorney's Office
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3112
Nicole.O'Connor@usdoj.gov

Dated: May 2, 2025

CERTIFICATE OF SERVICE

I, Nicole M. O'Connor, hereby certify that a true copy of the above document was served upon all parties of record via this court's electronic filing system and upon any non-registered parties via regular mail.

Dated: May 2, 2025

/s/ Nicole M. O'Connor
Nicole M. O'Connor
Assistant U.S. Attorney